

Application No. : 10/666,580
Filed : September 17, 2003

REMARKS

Claims 1-26 were pending in the application. By this paper, Applicant has cancelled Claims 11-18 and 23-25 without prejudice, and withdrawn Claims 7-9 (pending traversal) consistent with Applicant's election of the Group I invention. New Claims 27-35 have been added. Hence, Claims 1-6, 10, 19-22, and 26-35 are presented for examination herein.

Restriction Election and Traversal

By this paper, Applicant has elected with traverse the Group I invention for further examination, as noted above. Applicant respectfully traverses the Examiner's restriction requirement for Claims 7-9 on the basis that that the methods set forth in Claims 7-9 are not distinct from the products of Claims 1-6.

Per MPEP 806.05(f), "[a] process of making and a product made by the process can be shown to be distinct inventions if either or both of the following can be shown: (A) that the process as claimed is not an obvious process of making the product and the process as claimed can be used to make other and different products; or (B) that the product as claimed can be made by another and materially different process." Therefore conversely, a process of making and a product made by the process can be shown to not be distinct if it can be demonstrated that (A) the process as claimed cannot be used to make other and different products; and (B) that the product as claimed cannot be made by another and materially different process.

Applicant respectfully submits that Claims 7-9 are not distinct inventions in view of Claims 1-6; i.e., that the processes of Claims 7-9 cannot be used to make other and different products than that of Claims 1-6. Specifically, Applicant notes that the method of Claim 7 [(i) providing a magnetically permeable toroid core...; (ii) winding a plurality of conductive turns around said core; (iii) disposing a magnetically permeable element at least partially within said gap; and (iv) disposing an insulating element within said magnetically permeable element....] cannot be used to make other and different products than that of Claim 1 [An inductive device, comprising: (i) a magnetically permeable core...; (ii) at least one winding...; (iii) a magnetically permeable element disposed at least partially within said gap; and (iv) an insulator disposed proximate to said magnetically permeable element....]; the method of making in Claim 7 is intrinsically tied to the apparatus recited in Claim 1.

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Similarly, Applicant submits that the method of Claim 9 cannot be used to make other and different products than that of Claim 1.

Applicant further submits that the products of Claims 1-6 cannot be made by another and materially different process than that of Claims 7-9. In order to produce a device having the features of Claim 1, one must necessarily perform each of the steps in the process of Claim 7. Similar reasoning applies to Claim 9.

Hence, based on the foregoing, Applicant respectfully requests that the aforesaid restriction requirement be withdrawn as to Claims 7-9, and these claims examined on the merits at the earliest opportunity.

New Claims

By this paper, Applicant has added new Claims 27-35. Support for these new Claims is present at, *inter alia*, Figs. 13-14 (and supporting discussion), as well as Fig. 16 (and supporting discussion). No new matter has been added by way of these new claims. Applicant submits that these new claims read on the elected Group I invention.

Information Disclosure Statement

Applicant submits herewith an IDS, including PTO Form 1449, citing thirty-nine (39) references for consideration by the Examiner.

Other Remarks

Applicant hereby specifically reserves the right to prosecute claims of different or broader scope in a continuation or divisional application.

The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on any claim cancellations or additions herein.


Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims.

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If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

Respectfully submitted,
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